

REMARKS/ARGUMENTS

Favorable consideration of the present application is respectfully requested.

Allowable Claims 26 and 30 have been rewritten in independent form.

Claim 34 has been amended to clarify that the gearbox is located at the rear of the vehicle having rear wheel drive.

New Claim 41 corresponds to Claim 21 but clarifies that the second clutch is connected to the drive shaft upstream from the gearbox “in the direction of torque transmission from the engine to the gearbox,” and “not through any gear of the gearbox.” New Claim 42 is based on Claim 34 except for its dependency.

Concerning to objections to the specification, non-limiting examples of the antecedent basis in the specification for the noted claim elements are:

Main drive wheels – drive wheels 3 (p. 3, lines 13-14).

First clutch – clutch 8 (p. 3, lines 17-18).

Second clutch – clutch 17 (p. 4, line 7).

Secondary drive wheels – wheels 2 (p. 3, line 13).

Synchronous third gear – p. 4, lines 2-4; p. 8, lines 7-9.

First propeller shaft terminating in the gearbox at the rear – propeller shaft 9 (p. 3, lines 20-21).

First differential connected to the gearbox – differential 11 (p. 3, lines 21-22).

Second differential driven by the second clutch and connected to two axle shafts integral with the secondary drive wheels – differential 19 (p. 4, line 10).

Claims 21-24, 27-29, 33-35 and 39 were rejected under 35 U.S.C. § 102 as being anticipated by EP 442446 (EP ‘446). This rejection is respectfully traversed.

It is a feature of the invention that in a four wheel drive vehicle in which the two main drive wheels are connected permanently to a drive shaft by interposition of a gearbox having

a first clutch, the connectable drive system for the secondary drive wheels are not connected to the engine through the gearbox, but are connected mechanically to the drive shaft of the engine at a location upstream from the gearbox. For example, in the embodiment of Fig. 2, the front wheels 2 are driven by power taken off of the engine at the gear train 16. Since this is upstream of the rear transmission 10, no further shaft from the transmission 10 is required to provide power to the front wheels.

EP '446 discloses a four wheel drive system in which the clutch 41 for the connectable front wheels 19, 20 provides a drive connection from the gear 81 of the transmission 2 for the permanently driven rear wheels 15, 16, via the hollow propeller shaft 9 provided coaxially with the propeller shaft 7 that connects the clutch 6 at the engine output shaft with the transmission 2.

The Office Action states that the clutch 41 is “connected mechanically to the drive shaft upstream of the gearbox.” This is not understood since the clutch 41 of EP '466 is mechanically connected to the gear 82 of the gearbox and so cannot be “connected mechanically to the drive shaft *upstream of* the gearbox.”

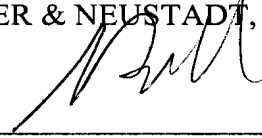
In any case, the clutch 41 of EP '466 is not “connected to the drive shaft upstream from the gearbox in the direction of torque transmission from the engine to the gearbox, and not through any gear of the gearbox” as is recited in new Claim 42.

Since Claim 21 is allowable, it is respectfully requested that withdrawn Claims 25 and 36-38 be included in any patent issuing from the present application.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early Notice of Allowability.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Robert T. Pous
Attorney of Record
Registration No. 29,099

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/09)